

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF DECEMBER 17, 2010

(Published December 23, 2010, in *Finance and Commerce*)

Council Chamber
Room 317 City Hall
350 South 5th Street
Minneapolis, Minnesota

December 17, 2010 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Reich, Hofstede, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, President Johnson.

Absent – Council Member Schiff.

Adoption of the agenda was approved by unanimous consent.

Absent - Schiff.

Vice President Lilligren assumed the Chair.

Johnson moved to amend the agenda to include under “Motions” consideration of a direction to the Zoning & Planning Committee regarding the subject matter of an ordinance amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to *Zoning Code: On-Premise Signs*. Seconded.

Adopted upon a voice vote.

Absent - Schiff.

President Johnson resumed the chair.

Glidden moved to amend the agenda to include under “New Business” consideration of a motion to award a bid for lead hazard reduction services. Seconded.

Adopted upon a voice vote.

Absent - Schiff.

The agenda, as amended, was adopted upon a voice vote 12/17/2010.

Absent - Schiff.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 12/17/2010.

Absent - Schiff.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

ATTORNEY (274678)

Ethics Officer Report

COMMITTEE OF THE WHOLE (See Rep):

CITY CLERK (274679)
Public Website Upgrade Budget Rollover
CIVIL RIGHTS (274680)
Board Appointments:
Minneapolis Police Civilian Review Authority
Minneapolis Civil Rights Commission Appointments
2010 Disparity Study & Recommendations Receipt
INTERGOVERNMENTAL RELATIONS (274681)
Amendment of 2011 Legislative Agenda, Bonding Section
INTERGOVERNMENTAL RELATIONS (274682)
Metropolitan Council Work Group Report

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (274683)
Falafel King (1851 Central Av NE): Approve Business License Operating Conditions relating to Restaurant License.
Pizza La Vista (504 1st Av N): Approve Business License Operating Conditions relating to Restaurant License.
Pollo De Los Santos (1700 E Lake St): Approve Business License Operating Conditions relating to Food Manufacturer License.
Stop N Go #6 (641 Broadway St NE): Approve Business License Operating Conditions relating to Grocery, Gasoline Filling Station and Tobacco Dealer Licenses.
Qoraxlow Restaurants at 1821 E Lake St; 2910 Pillsbury Av; and 912 E 24th St: Approve License Settlement Conference recommendations relating to Restaurant Licenses.
LICENSES AND CONSUMER SERVICES (274684)
Licenses: Applications.
REGULATORY SERVICES (274685)
Rental Dwelling License at 2115 Penn Av N: Approve reinstatement of license to be held by Sheng Lee/United Hmong Investment LLC.
REGULATORY SERVICES/PROCUREMENT (274686)
Bid for Weed Cutting and Related Services: OP #7368, accept low bid of Gihl Lawn and Snow LLC to furnish all labor, materials, equipment and incidentals necessary to accomplish weed cutting and plant growth removal for the Department of Regulatory Services.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (274687)
Interim Use Permit:
River of Life Lutheran Church (1110 22nd Ave N/2200 Fremont Ave N)
Vacation:
Ackerberg Group (2009 James Ave N)
Zoning Code Map Amendment:
38th St & Chicago Ave Small Area Corridor Framework Plan Rezoning
Adoption of Lowry Ave Strategic Plan & Comprehensive Plan Amendments
Zoning Code Text Amendment: Title 20, Chapter 544 Off-Premise Advertising Signs

UNFINISHED BUSINESS (See Rep):

MAYOR (274688)
Mayoral Veto: Letter explaining veto action re City Council appointments to the Metropolitan Sports Facilities Commission (See Report dated 12/10/2010).

NEW BUSINESS (See Rep):

REGULATORY SERVICES/PROCUREMENT (274689)

OP #7369, accept bid of Minnesota Remodeling and Restoration Company to furnish and deliver lead hazard reduction services.

The following reports were signed by Mayor Rybak on December 21, 2010. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following reports:

Comm of the Whole - Your Committee, having under consideration appointments to the Minneapolis Civil Rights Commission, now recommends concurrence in the recommendation of the mayor in appointing the following applicants:

- a) Emily Froehle, Ward 6;
- b) Cecilia Rodriguez-Melendez, Ward 12(reappointment);
- c) Jennifer A. Thompson, Ward 11; and
- d) Adosh Unni, Ward 6;

and approval of the following Council appointments:

- e) Bernadette Casey, Ward 8;
- f) Thomas C. Gallagher, Ward 10;
- g) Patricia A. Nelson, Ward 8; and
- h) Surya Rochel, Ward 7;

all for three year terms to run January 1, 2011 through December 31, 2013.

Adopted 12/17/2010.

Absent - Schiff.

Comm of the Whole - Your Committee, having under consideration applications for an appointment to the Police Civilian Review Authority, now recommends approval of the Council reappointment of Patrick Kvidera, Ward 1, to a four-year term to run January 1, 2011 through December 31, 2014.

Adopted 12/17/2010.

Absent - Schiff.

Comm of the Whole - Your Committee recommends that the City of Minneapolis 2011 Legislative Agenda, adopted December 10, 2010, be amended to add two items to the Bonding section of the agenda and reorder the priority of items, to add the Plymouth Avenue Bridge as project priority number 1, and the 10th Avenue SE Bridge Rehabilitation as project priority number 3.

Adopted 12/17/2010.

Absent - Schiff.

Comm of the Whole - Your Committee, having before it the recommendations of the Metropolitan Council Work Group, now recommends approval of a staff direction and passage of an accompanying resolution.

Lilligren moved that the report be postponed. Seconded.

Adopted 12/17/2010.

Absent - Schiff.

Comm of the Whole - Your Committee, having before it the City of Minneapolis 2010 Disparity Study Report and Recommendations, now recommends that said report and recommendations be sent forward without recommendation.

Lilligren and Hodges moved to substitute the following report for the above report. Seconded.
Adopted by unanimous consent.
Absent - Schiff.

Comm of the Whole - Your Committee, having before it the City of Minneapolis 2010 Disparity Study Report and Recommendations, now recommends the following actions:

1. The City of Minneapolis 2010 Disparity Study Report (Study) be received and filed;
2. Staff in the Department of Civil Rights and the Office of the City Attorney be directed to amend the City of Minneapolis Small and Underutilized Business Program to comply with constitutionally mandated strict scrutiny requirements so that the revised program will be ready when the current program expires on March 31, 2011;
3. The Director of Civil Rights be authorized to convene a working group of the City Council and Civil Rights staff whose tasks shall include -
 - a) reviewing and forwarding Study recommendations, including an estimate of the resources necessary to carry out each recommendation to the full City Council,
 - b) inviting other City staff and individuals with knowledge or expertise to assist in the development and prioritization of the Study recommendations, and
 - c) scheduling community forum(s) to allow members of the public to make comments and/or ask questions about the information in the Study and recommendations.

Gordon moved to suspend the Rules of the City Council, so as to consider the substitute report that was not presented in writing. Seconded.
Adopted upon a voice vote.
Absent - Schiff.

Samuels moved to amend the substitute report to add that the working group shall complete its work within six months. Seconded.
Adopted upon a voice vote.
Absent - Schiff.

The substitute report, as amended, was adopted 12/17/2010.
Absent - Schiff.

Lilligren moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from December 16, 2010, regarding the Public Website Upgrade, at this meeting. Seconded.
Adopted by unanimous consent 12/17/2010.
Absent - Schiff.

Comm of the Whole - Your Committee, having under consideration the amount of \$30,000 from the 2010 City Clerk's Office in unspent budget dollars, now recommends directing the Finance Department to allocate that amount from the City Clerk's Office (001002600114) to the Business Information Services Department (CLIC project fund C880F8672), as a one-time appropriation for the 2011 budget to assist with a public web site upgrade to Oracle Site Studio.

Adopted 12/17/2010.
Absent - Schiff.

The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Restaurant License held by Falafel King, 1851 Central Av NE.

Adopted 12/17/2010.

Absent - Schiff.

Resolution 2010R-606, approving Business License Operating Conditions relating to the Restaurant License held by Falafel King, 1851 Central Av NE, was adopted 12/17/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-606
By Glidden

Approving Business License Operating Conditions relating to the Restaurant License held by Falafel King, 1851 Central Av NE.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Restaurant License held by Falafel King, 1851 Central Av NE:

1. The licensee will ensure that the parking lot is kept vacant of all vehicles and persons, excluding employee vehicles, after the restaurant is closed to the public.
2. All loud noise emanating from the drive through area, whether from drive through speakers or by persons in drive through line, shall be controlled by means of educating employees on acceptable noise and sound levels, by signage in the drive through area, and by requiring staff to control volume levels to persons in the drive through area. This applies to the outdoor patio seating as well.
3. The licensee will complete construction of a concrete wall behind the restaurant and drive through that meets the requirements of Site Plan BZZ-3998 by July 1, 2011.

Adopted 12/17/2010.

Absent - Schiff.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Restaurant License held by Pizza La Vista, 504 1st Av N.

Adopted 12/17/2010.

Absent - Schiff.

Resolution 2010R-607, approving Business License Operating Conditions relating to the Restaurant License held by Pizza La Vista, 504 1st Av N, was adopted 12/17/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-607
By Glidden

Approving Business License Operating Conditions relating to the Restaurant License held by Pizza La Vista, 504 1st Av N.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Restaurant License held by Pizza La Vista, 504 1st Av N:

1. Licensing Condition #1 is a reiteration of the following November 15, 2010 Minneapolis Planning Commission's Conditional Use Permit conditions for Pizza La Vista and shall be applicable on any day in which Pizza La Vista operates after 1:00 a.m.:

- a. The conditional use permit shall be recorded with Hennepin County as required by Minnesota Statute 462.3595, Subdivision 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the Zoning Administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- b. Uniformed, on-site security shall be provided at a minimum from 10 p.m. until 2 a.m. daily. The applicant shall coordinate with the applicable police precinct on an acceptable security plan.
- c. Compliance with the window sign provision as stated in Section 543.480 of the Zoning Code.
- d. The hours of operation are specific to the restaurant use only and do not include tobacco sales.
- e. The extended hours are for table service only; no stand up or take away service during the extended hours.
- f. The restaurant shall obtain a restaurant license first and the extended hours for the conditional use permit is not effective and the use shall not commence until the applicant obtains a required restaurant license and is in compliance with all other requirements of City Code.

2. Pizza La Vista will coordinate with the 1st Precinct and Business Licensing to develop an acceptable written security plan. The plan shall include how management will control crowds outside of the establishment and also how management will monitor the number of customers so it does not exceed the amount of seating (32 seats). The plan shall be approved prior to forwarding recommendations of license and conditions approval to Council.

3. The licensee shall ensure that the areas that security patrols will include outside the front entrance of the establishment, inside the restaurant, and the hallway leading to restrooms and the rear exit.

4. The licensee shall ensure that loitering outside the establishment shall not occur.

5. Pizza La Vista will post "no intoxicated persons allowed" signs at the entrance to the establishment.

6. Pizza La Vista will clean the property and public areas and remove litter on a regular basis within 100 feet of the property lines and maintain a log of the clean up.

7. Pizza La Vista shall conspicuously post its business license(s), its Conditions of License, and its Conditional Use Permit conditions.

Adopted 12/17/2010.

Absent - Schiff.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Food Manufacturer License held by Pollo De Los Santos, 1700 E Lake St.

Adopted 12/17/2010.

Absent - Schiff.

Resolution 2010R-608, approving Business License Operating Conditions relating to the Food Manufacturer License held by Pollo De Los Santos, 1700 E Lake St, was adopted 12/17/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-608

By Glidden

Approving Business License Operating Conditions relating to the Food Manufacturer License held by Pollo De Los Santos, 1700 E Lake St.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Food Manufacturer License held by Pollo De Los Santos, 1700 E Lake St:

1. Any future violations regarding the storage, preparation, and service of food at an unapproved site shall be immediate cause for revocation of the business license.
2. Any changes to the restaurant equipment shall be sent through the Food Plan Review procedures in Environmental Health before the equipment is purchased.
3. For a period of one year (February 2010 to February 2011) a certified food manager shall be in the restaurant at any time food is present. The food manager is to ensure that all employees of El Pollo Loco De Los Santos shall follow all Environmental Health regulations. At this time, Mr. Angel Demetrio De Los Santos G. and his wife are certified food managers. A new certified food manager can be added with the approval of the Environmental Health Division.
4. The Environmental Health Division shall conduct an unscheduled inspection on a quarterly basis for a period of one year and pay a fee of \$100 per inspection. The licensee understands that if he fails to meet Environmental Health Codes resulting in critical violations and/or repeat violations, adverse license action could result. Payment shall be made to the "Minneapolis Finance Department" in the form of check or money order addressed to Minneapolis Environmental Health, 250 S 4th St, Room 414, Minneapolis, MN 55415.
5. Angel Demetrio De Los Santos G., as owner of El Pollo Loco De Los Santos, shall enroll and fully participate in the Minneapolis Food Safety Self-Inspection Program.
6. Angel Demetrio De Los Santos G., as owner of El Pollo Loco De Los Santos, must implement a food protection system and monitor food safety. The licensee must train all employees in food safety and provide documentation at the request of the City. It is recommended that the licensee and his employees attend monthly community food safety training meetings offered by the City.
7. Angel Demetrio De Los Santos G., as owner of El Pollo Loco De Los Santos, shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the food establishment during all hours of operation. Based on the risks of food borne illness inherent to the food operation, during inspections and upon request by the regulatory authority, the person in charge shall demonstrate to the regulatory authority knowledge of food borne disease prevention. The person in charge shall ensure that:
 - a. employees and other persons, including delivery and maintenance persons and pesticide applicators, entering the food preparation, food storage, and ware washing areas comply with the Code.
 - b. employees effectively clean their hands by routinely monitoring the employees' hand washing.
 - c. employees visibly observe foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt.
 - d. employees properly cook potentially hazardous food, being particularly careful in cooking those foods known to cause severe food borne illness and death, including eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures.
 - e. employees use proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling.

- f. employees properly sanitize cleaned multi-use equipment and utensils before they are reused through routine monitoring of solution temperature and exposure time for hot water sanitizing and chemical concentration, pH, temperature and exposure time for chemical sanitizing.
 - g. employees implement and maintain food safety standards in the facility.
8. The physical facilities shall be cleaned as often as necessary to keep them clean. Repairs need to be made to floors, walls and ceilings.
Adopted 12/17/2010.
Absent - Schiff.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery, Gasoline Filling Station, and Tobacco Dealer Licenses held by Stop N Go #6, 641 Broadway St NE.
Adopted 12/17/2010.
Absent - Schiff.

Resolution 2010R-609, approving Business License Operating Conditions relating to the Grocery, Gasoline Filling Station, and Tobacco Dealer Licenses held by Stop N Go #6, 641 Broadway St NE, was adopted 12/17/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-609
By Glidden

Approving Business License Operating Conditions relating to the Grocery, Gasoline Filling Station, and Tobacco Dealer Licenses held by Stop N Go #6, 641 Broadway St NE.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery, Gasoline Filling Station, and Tobacco Dealer Licenses held by Stop N Go #6, 641 Broadway St NE:

- 1. The licensee will operate no later than 10:00 p.m. on a daily basis.
- 2. The licensee will not sell tobacco paraphernalia (including pipes, small cigars, or rolling papers) nor will they sell alcohol of any kind.
- 3. The licensee will place and maintain garbage cans by each driveway apron and will pick up their sidewalks and grounds daily to help to control the litter problem in the neighborhood.
- 4. The licensee will remove any pay phones from the property by January 15, 2011 and will not allow any more to be placed on their premises.
- 5. The licensee will not prepare food or have a deli of any kind of the premises.
- 6. The licensee will take steps to discourage illegal right turns onto Adams Street. A "Left Turn" arrow has been painted by the Adams Street apron of their property, and the licensee will maintain the painted arrow.
- 7. The licensee will improve and maintain the landscaping and the gardens on the premises.

Adopted 12/17/2010.
Absent - Schiff.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.
Adopted 12/17/2010.
Absent - Schiff.

Resolution 2010R-610, granting applications for Liquor, Wine and Beer Licenses, was adopted 12/17/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-610
By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274684):

Off-Sale Liquor, to expire January 1, 2012

Haskell's Inc, dba Haskell's, 81 S 9th St

Surdyk's Liquor Inc, dba Surdyk's Liquor, 303 E Hennepin Av

Hyatt Corporation, dba Hyatt Regency Minneapolis, 1300 Nicollet Mall

Jessy & Luke Inc, dba Hi-Lake Liquors, 2130 E Lake St

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2011

Kierans Irish Pub LLC, dba The Old Pub, 330 2nd Av S, 1st floor

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2012

Radisson Minneapolis Corporation, dba Radisson Plaza Minneapolis, 35 S 7th St

RHM Receiver 3211 Company LLC, dba Hotel Ivy, 201 S 11th St

Avenue One Entertainment LLC, dba Bootleggers, 323 1st Av N

Kierans Irish Pub LLC, dba The Old Pub, 330 2nd Av S

331 Club Inc, dba 331 Club, 331 13th Av NE

90's Minneapolis LLC, dba Gay 90's, 400 Hennepin Av

Degrees of Entertainment Inc, dba Envy Nightclub, 400 1st Av N

Graves Hospitality Corporation, dba Graves 601 Hotel, 601 1st Av N

AMPA Inc, dba Y'All Come Back Saloon, 830 Hennepin Av

SHP DT Bevflow Inc, dba Doubletree Minneapolis, 1101 LaSalle Av

Hyatt Corporation, dba Hyatt Regency Minneapolis, 1300 Nicollet Mall

On-Sale Liquor Class A with Sunday Sales, to expire December 31, 2010

Food and Drink Inc, dba Barfly, 711 Hennepin Av (temporary expansion of premises December 31, 2010)

On-Sale Liquor Class A with Sunday Sales, to expire February 4, 2011

Food and Drink Inc, dba Barfly, 711 Hennepin Av (temporary expansion of premises February 4, 2011)

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2012

Lyman Inc, dba Lyon's Pub, 16 S 6th St, ground floor

Murray's Inc, dba Murray's, 24 S 6th St, 1st floor

East by Northeast LLC, dba Ginger Hop Restaurant & Honey at Ginger, 201 E Hennepin Av

Campus Club of the University of Minnesota, dba Campus Club of the University of Minnesota, 300 Washington Av SE

Conga Corporation, dba Conga Latin Bistro, 501 E Hennepin Av

Lush LLC, dba Lush, 990 Central Av NE

Haze 3 Corp, dba Grumpy's Bar & Grill, 1111 Washington Av S

Lakes Restaurant Inc, dba Stella's Fish Cafe & Prestige Oyster Bar, 1402 W Lake St

Katabays Corporation, dba Blue Nile, 2027 E Franklin Av

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2011

Inversiones Mariano Perez Inc, dba El Muevo Mariachi, 2728 Nicollet Av (new proprietor)

Espresso Monkeys Incorporated, dba Acadia Cafe, 329 Cedar Av S

Jaeger Corporation, dba Clubhouse Jaeger, 923 Washington Av N

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2011

The Local An Epicurean Cafe & Pub LLC, The Local an Epicurean Cafe & Pub, 931 Nicollet Mall

On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2011

Kierans Irish Pub First Avenue LLC, dba Kierans Irish Pub, 600 E Hennepin Av #170

On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2012

Aster Pictures Corporation, dba Aster, 125 Main St SE

Kierans Irish Pub First Avenue LLC, dba Kieran's Irish Pub First Avenue, 600 Hennepin Av #170

Historic Theatre Group LLC, dba Pantages Theatre, 710 Hennepin Av

Historic Theatre Group LLC, dba State Theatre, 805 Hennepin Av

Hennepin Theatre Trust, dba Hennepin Stages, 824 Hennepin Av

Historic Theatre Group LLC, dba Orpheum Theatre, 910 Hennepin Av

Merlins Restaurant LLC, dba Merlins Restaurant, 3601 E Lake St

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2012

I & K Enterprises, dba Pancho Villa's Grill, 222 E Hennepin Av

On-Sale Liquor Class D with Sunday Sales, to expire January 1, 2012

Amazing Thailand LLC, dba Amazing Thailand, 3024 Hennepin Av

On-Sale Liquor Class D with Sunday Sales, to expire October 1, 2011

S B Food Services Inc, dba Jewel of India, 1427 Washington Av S

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2012

Two Wiseguys Inc, dba Origami Restaurant, 30 1st St N, 1st floor

McCormick & Schmick Restaurant Corp, dba M & S Grill, 50 S 6th St

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 50 S 6th St

Watermark Restaurants LLC, dba Mission American Kitchen & Bar, 80 S 8th St #124

Concept Eatery LLC, dba 112 Eatery, 112 3rd St N

Brinda Companies Inc, dba Pracna on Main, 117 Main St SE

Haute Dish LLC, dba Haute Dish, 119 Washington Av N

Watermark Entertainment LLC, dba Sgt Prestons, 221 Cedar Av S

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 225 E Hennepin Av

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 229 Cedar Av S

OSF International Inc, dba Old Spaghetti Factory, 233 Park Av

Frog Eyes LLC, dba McNamara's Sports Bar, 312 Central Av NE

Fogo De Chao Churrascaria (Mpls) LLC, dba Fogo De Chao, 645 Hennepin Av, 1st floor

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 800 Washington Av SE

Fossland-Olson Inc, dba Scotts 1029 Bar, 1029 Marshall St NE

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 1040 Nicollet Mall

Back Bar LLC, dba Eli's, 1225 Hennepin Av

1312 W Lake St LLC, dba Cowboy Slims, 1320 W Lake St

B & A Restaurant Corporation, dba Ping's Szechuan Bar & Grill, 1401 Nicollet Av

Ariza Enterprises LLC, dba Salsa a la Salsa Mexican Grill, 1420 Nicollet Av

Asian Mill, Inc, dba Tea House Chinese Restaurant, 2425 University Av SE

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 2600 Hennepin Av

Restaurant Properties Inc, dba Il Gatto Uptown Italian, 3001 Hennepin Av, #301A

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 3040 Excelsior Blvd

Blue Plate Restaurant Co, dba Longfellow Grill, 4610 E Lake St

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2011

Peninsula Malaysian Cuisine LLC, dba Peninsula Malaysian Cuisine, 2608 Nicollet Av

On-Sale Liquor Class E, to expire January 1, 2012

S Squared LLC, dba Saffron Restaurant & Lounge, 123 3rd St N

Liquor Catering Services, to expire August 1, 2011

Biella LLC, dba Biella LLC, 227 Water St, Excelsior (new business)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2011

KNR Inc, dba Naviyas, 2812 W 43rd St (new business).

Adopted 12/17/2010.

Absent - Schiff.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 12/17/2010.

Absent - Schiff.

Resolution 2010R-611, granting applications for Business Licenses, was adopted 12/17/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-611

By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of December 17, 2010 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 274684):

Amusement Devices; Asphalt Shingles & Roofing Manufacturer; Bed & Breakfast Facility; Car Wash; Christmas Tree; Courtesy Bench; Dancing School; Fire Extinguisher Servicing Class A; Grocery; Ice Producer - Dealer/Wholesale; Food Manufacturer; Food Market Manufacturer; Meat Market; Restaurant; Short-Term Food Permit; Gasfitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hospital; Hotel/Motel; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Commercial Parking Lot Class A; Pet Shop; Plumber; Refrigeration Systems Installer; Rental Halls; Residential Specialty Contractor; Secondhand Goods Class B; Sign Hanger; Solicitor - Company; Solid Waste Hauler; Steam & Hot Water Systems Installer; Taxicab Limited; Taxicab Vehicle Fuel Efficient; Taxicab Vehicle Taxicab Vehicle Non-Transferable; Tobacco Dealer; Combined Trades; Wrecker of Buildings Class A; Wrecker of Buildings Class B; Pawnbroker Class A.

Adopted 12/17/2010.

Absent - Schiff.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 12/17/2010.

Absent - Schiff.

Resolution 2010R-612, granting applications for Gambling Licenses, was adopted 12/17/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-612

By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petr No 274684):

Gambling Class B

VFW Post 246, dba VFW Post 246, 2916 Lyndale Av (VFW Post 246)

Gambling Exempt

Our Lady of Lourdes Church, dba Our Lady of Lourdes Church, 1 Lourdes Pl (Raffle December 5, 2010)

Basilica of St. Mary, dba Basilica of St. Mary, 88 N 17th St (Bingo, Raffle January 27, 2011)

Basilica of St. Mary, dba Basilica of St. Mary, 88 N 17th St (Bingo, Raffle February 10, 2011)

Basilica of St. Mary, dba Basilica of St. Mary, 88 N 17th St (Bingo, Raffle July 8 & 9, 2011)

AGC of Minnesota Foundation, dba AGC of Minnesota Foundation, 525 Park St #110, Saint Paul (Raffle March 3, 2011, Minneapolis Convention Center)

Angel Foundation, dba Angel Foundation, 708 S 3rd St Suite 105E (Raffle January 22, 2011, Hilton Hotel).

Adopted 12/17/2010.

Absent - Schiff.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Restaurant Licenses held by Qoraxlow Restaurants at 1821 E Lake St; 2910 Pillsbury Av; and 912 E 24th St.

Adopted 12/17/2010.

Absent - Schiff.

Resolution 2010R-613, approving License Settlement Conference recommendations relating to the Restaurant Licenses held by Qoraxlow Restaurants at 1821 E Lake St; 2910 Pillsbury Av; and 912 E 24th St, was adopted 12/17/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-613

By Glidden

Approving License Settlement Conference recommendations relating to the Restaurant Licenses held by Qoraxlow Restaurants at 1821 E Lake St; 2910 Pillsbury Av; and 912 E 24th St.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on June 23, 2010 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that Qoraxlow Restaurants located at 1821 E Lake St, 2910 Pillsbury Av and 912 E 24th St failed to comply with Environmental Health Codes in Title 10 of the Minneapolis Code of Ordinances;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

1. Each Qoraxlow location shall serve a two day suspension of their business licenses on days they are normally scheduled to be open to the public. The suspensions shall be served prior to April 1, 2011. The licensee may select the days to be served for the suspension and the days need not be consecutive. The suspension shall involve complete closure of the location to the public for the entire regularly scheduled business day, although employees may be present to receive training. The licensee or its representative shall notify License Inspector Julie Casey at least one week prior to the service of any suspension day and notify her of the day(s) selected for each location.

2. The application for a restaurant license at 1304 E Lake St shall be withdrawn within one week of signing the agreement, and it is agreed between the parties that no new application for the proposed location or any other potential new site shall be submitted to the City prior to March 1, 2011 for licensure

in the licensing period beginning April 1, 2011. The level of compliance of the licensee with the terms of the agreement and with the requirements of applicable laws and codes may be utilized by the City and its Licensing Division in making future recommendations and decisions regarding subsequent applications by the licensee.

3. The administrative citation issued on October 27, 2010 by Inspector Loudon shall be dismissed upon final approval of the agreement by the Minneapolis City Council.

4. The location at 2910 Pillsbury Av, Suite 138, will be permitted to split into two separate licensed facilities including a food manufacturer license and a restaurant license, as such licensure most appropriately and accurately reflects the physical establishment.

5. All Qoraxlow Restaurant employees shall attend a professional training program on food safety. The program shall be approved by the Environmental Health Division. A list of all employees that attended shall be submitted to Environmental Health within seven days of the training.

6. All Qoraxlow Restaurant locations shall employ a professional consultant until November 1, 2011 to supervise food service to ensure compliance with all Health Codes and Ordinances. A plan to comply with all Health Codes shall be written and approved by the Environmental Health Division prior to approval of the agreement.

7. All locations shall comply with the certified food manager requirements of the Food Code and, in addition, until November 1, 2011 a minimum of two certified food managers shall be employed by each restaurant. The food manager requirement is to ensure that all employees of Qoraxlow Restaurants, all locations, shall follow all Environmental Health regulations.

8. The Environmental Health Division shall conduct unannounced inspections on a quarterly basis for a period of one year, and the licensee will pay a fee of \$100 per inspection. The licensee understands that if he fails to meet Environmental Health Codes resulting in critical violations and/or repeat violations, adverse license action could result. Payment shall be made to the "Minneapolis Finance Department" in the form of check or money order addressed to Minneapolis Environmental Health, 250 S 4th St, Room 414, Minneapolis, MN 55415.

9. Osman Mohamed, as owner of Qoraxlow Restaurants, all locations, shall promptly enroll and fully participate in the Minneapolis Food Safety Self-Inspection Program, but any Code violations reported through self inspection shall not serve as a basis for administrative citations or other adverse license action.

10. Osman Mohamed, as owner of Qoraxlow Restaurants, all locations, shall designate a person in charge (certified food manager) and ensure that a person in charge is present at the food establishment as specified in paragraph 7 above. Based on the risks of food borne illness inherent to the food operation, during inspections and upon request by the regulatory authority, the person in charge shall demonstrate to the regulatory authority knowledge of food borne disease prevention. The person in charge shall ensure that:

- a. Employees and other persons, including delivery and maintenance persons and pesticide applicators, entering the food preparation, food storage, and ware washing areas comply with the Code.
- b. Employees effectively wash their hands by training all employees on proper hand washing procedures and through demonstrations and review and explaining when hand washing is required in a food service establishment. Hand washing must be routinely monitored by the person in charge.
- c. Employees visibly observe foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt.
- d. Employees must ensure potentially hazardous foods are properly cooked to minimum cooking temperatures and holding time through routine monitoring of the cooking temperatures by certified food manager.
- e. Employees use proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four hours, through daily oversight of the employees and routine monitoring of food temperatures during cooling and compliance with the protocol agreed with the City for the preparation and handling of sambusa.

- f. Employees must monitor all coolers throughout all three establishments every 2 to 3 hours for temperature and record food and cooler temperatures in temperature log to ensure proper cold holding temperature is maintained and that all equipment is in proper working order.
- g. Employees properly sanitize equipment and utensils before they are used, through routine monitoring of chemical concentration.
- h. Employees implement and maintain food safety standards in the facility.
- i. Employees must have digital thermometers, at all locations, to monitor food temperatures and appropriate test kits to monitor sanitizer strength.

Adopted 12/17/2010.

Absent - Schiff.

RE&E - Your Committee, having under consideration the Rental Dwelling License for the property located at 2115 Penn Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Sheng Lee/United Hmong Investment LLC.

Adopted 12/17/2010.

Absent - Schiff.

RE&E - Your Committee recommends acceptance of low bid received on OP #7368 submitted by Gihl Lawn and Snow, LLC, for an estimated annual expenditure in the amount of \$150,000, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish weed cutting and plant growth removal for the Department of Regulatory Services, all in accordance with City specifications. Your Committee further recommends that the proper City officers be authorized to execute a contract for said service. Bidder offers to increase up to 100% and extend for two one-year extensions at the sole option of the City of Minneapolis.

Adopted 12/17/2010.

Absent - Schiff.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the application of River of Life Lutheran Church for an interim use permit (BZZ-5042) for an overnight shelter accessory to a religious institution place of assembly at 1110 22nd Ave N/2200 Fremont Ave N, now recommends adoption of the findings of Community Planning & Economic Development staff, and approval of said application upon the following conditions:

- 1) The interim use shall expire no later than May 15, 2011.
- 2) The use shall comply with the standards for overnight shelters required by section 537.110 of the zoning code.

Adopted 12/17/2010.

Absent - Schiff.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of the Ackerberg Group to vacate a portion of the public alley adjacent to 2009 James Ave N (#1574), and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said public alley portion.

Adopted 12/17/2010.

Absent - Schiff.

Resolution 2010R-614, vacating all of the dedicated alley between Lot 36, Block 19, Forest Heights and Lots 10 and 11, Lyons Subdivision of Lots 37, 38, and 39, Block 19, Forest Heights, Minneapolis, Minnesota, was adopted 12/17/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-614
By Schiff

Vacating all of the dedicated alley between Lot 36, Block 19, Forest Heights and Lots 10 and 11, Lyons Subdivision of Lots 37, 38, and 39, Block 19, Forest Heights, Minneapolis, Minnesota (Vacation File No. 1574).

Resolved by The City Council of The City of Minneapolis:

That all that part of the dedicated alley between Lot 36, Block 19, Forest Heights and Lots 10 and 11, Lyons Subdivision of Lots 37, 38, and 39, Block 19, Forest Heights, Minneapolis, Minnesota is hereby vacated.

Adopted 12/17/2010.

Absent - Schiff.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code, Zoning Districts and Maps*, affecting the primary and overlay zoning districts contained in Plates 26 and 32 for property within the study area of the 38th Street and Chicago Avenue Small Area/Corridor Framework Plan, now concurs in the recommendation of the City Planning Commission that the related findings be adopted, with an amendment to the CPC recommendation to retain the existing zoning for the property at 816 E 38th Street with no overlay districts, and that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that the additional finding that obtaining consent signatures from individual property owners for the rezoning of properties from residential to commercial would be impractical be adopted.

Adopted 12/17/2010.

Absent - Schiff.

Ordinance 2010-Or-112 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, amending Section 521.30 to change the zoning districts of property within the 38th St and Chicago Ave Small Area/Corridor Framework Plan, was adopted 12/17/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-112
By Glidden
Intro & 1st Reading: 8/20/2010
Ref to: Z&P
2nd Reading: 12/17/2010

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning districts for the parcels of land listed below and identified on Zoning District Plates 26 and 32 (area of 38th Street East and Chicago Avenue), pursuant to MS 462.357:

PID	Address	Existing Primary Zoning	New Primary Zoning	Existing Overlay Zoning	New Overlay Zoning
0202824340214	3641 CHICAGO AVE	C2	C2		PO
0202824340229	3749 CHICAGO AVE	C2	C2		PO
0202824340245	3715 CHICAGO AVE	OR1	C1		PO
1102824220114	3800 CHICAGO AVE	C1	C1		PO
1102824220115	3808 CHICAGO AVE	R4	C1		PO
1102824220116	3814 CHICAGO AVE	R4	C1		PO
0202824330061	3718 CHICAGO AVE	C2	C2		PO
0202824330263	3722 CHICAGO AVE	C1	C1		PO
0202824330090	3728 CHICAGO AVE	C1	C1		PO
0202824330091	3732 CHICAGO AVE	C1	C1		PO
0202824330092	3730 CHICAGO AVE	C1	C1		PO
0202824330097	730 38TH ST E	R5	C1		PO
0202824330220	3744 CHICAGO AVE	C1	C1		PO
0202824330223	3710 CHICAGO AVE	R5	R5		PO
0202824330226	3644 CHICAGO AVE	OR1	OR1		PO
0202824330227	3736 CHICAGO AVE	C1	C1		PO
0202824340031	810 38TH ST E	C2	C2		PO
0202824340032	3753 CHICAGO AVE	C2	C2		PO
0202824340035	3741 CHICAGO AVE	C1	C1		PO
0202824340036	3737 CHICAGO AVE	C1	C1		PO
0202824340037	3733 CHICAGO AVE	C1	C1		PO
0202824340038	3731 CHICAGO AVE	C1	C1		PO
0202824340039	3725 CHICAGO AVE	C1	C1		PO
0202824340040	3721 CHICAGO AVE	C1	C1		PO
0202824340043	3705 CHICAGO AVE	OR1	C1		PO
0202824340044	3701 CHICAGO AVE	C2	C2		PO
0202824340170	3649 CHICAGO AVE	C2	C2		PO
1102824210111	3805 CHICAGO AVE	C2	C2		PO

Section 2. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district boundaries so that they follow the centerline of public rights-of-way in a manner identified on maps accompanying the 38th and Chicago Rezoning Study, recommended for approval by the City Planning Commission on November 15, 2010.

Adopted 12/17/2010.

Absent - Schiff.

Z&P – Your Committee, having under consideration the *Lowry Avenue Strategic Plan*, now recommends concurrence in the recommendation of the Planning Commission that the findings prepared by the Department of Community Planning & Economic Development staff be adopted, that said Plan be adopted as a small area plan for Lowry Ave N from Interstate 94 at the east to County Road 81 at the west and as an articulation of and amendment to the policies found in ***The Minneapolis Plan for Sustainable Growth***, pending Metropolitan Council review and approval of associated amendments to the City's comprehensive plan, and that the proposed modifications to the City's Comprehensive Plan to remove the Neighborhood Commercial Node designation for Lowry Ave N & Lyndale Ave N and

making slight changes to the boundaries of the Neighborhood Commercial Nodes at Lowry Ave N & Penn Ave N and Lowry Ave N & Emerson Ave N be approved.

Adopted 12/17/2010.

Absent - Schiff.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Premise Advertising Signs and Billboards* (regarding adjusting the possible locations that digital off-premise advertising signs and billboards may be allowed) now concurs in part with the recommendation of the Planning Commission, and recommends that the related findings be adopted and that said ordinance be given its second reading for amendment and passage, amended to return to the language originally presented by staff.

Adopted 12/17/2010.

Absent - Schiff.

Ordinance 2010-Or-113 amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Premise Advertising Signs and Billboards*, amending Section 544.20 to adjust the possible locations that digital off-premise advertising signs and billboards may be allowed, was adopted 12/17/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-113

By Schiff

Intro & 1st Reading: 2/26/2010

Ref to: Z&P

2nd Reading: 12/17/2010

Amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Premise Advertising Signs and Billboards.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 544.20 (13) (d) of the above-entitled ordinance be amended to read as follows:

544.20 General provisions. The following provisions shall apply to all off-premise signs, except as otherwise provided:

(13) *Flashing or animated off-premise signs.*

d. *Limited Access Roadway Opportunity Billboard District.* Flashing off-premise signs shall be permitted in this these areas; only; on Interstate 94, north of Broadway, and on Interstate 35-W; north of Hennepin 31st Street East, provided (i) the messages and/or imagery are displayed in a static manner for a minimum of eight (8) seconds, and (ii) flashing signs shall be a minimum of two thousand five hundred (2,500) feet from any other off-premise flashing sign reading to the same directional traffic. The credits required pursuant section 544.60(c) for any flashing off-premise signs to be located in this area shall be demonstrated by the applicant to have been removed only from the area located north of the following: from the western boundary of the city along Broadway Avenue North (including signs on both sides of Broadway) thence to the northeasterly bank of the Mississippi River, thence along the northeasterly bank of the River to Interstate 94, thence following the northern boundary of the right-of-way of Interstate 94 to the easterly boundary of the city Flashing off-premise signs permitted pursuant to this section shall comply with all applicable provisions of this ordinance, except that existing nonconforming off-premise signs in the areas described in this section shall be allowed to be converted to flashing off-premise signs and shall not be subject to section 531.50, expansion or alteration of nonconforming uses and structures, for the conversion, so long as the dimensions, height and orientation of the

sign match the conditions that preceded the conversion, the sign meets the requirements of this section and the applicant complies with the credit requirements of section 544.60 (c).

Adopted 12/17/2010.

Absent - Schiff.

MOTIONS

Vice President Lilligren assumed the Chair.

Johnson moved to amend the Council Committee Reporting Department document (Petr 274163), passed April 2, 2010, to reflect that the Department of Civil Rights will report to the Public Safety & Health Committee. Seconded.

Adopted 12/17/2010.

Absent - Schiff.

Johnson moved to direct the Zoning & Planning Committee to report back to the City Council at its January 28th, 2011 meeting with a recommendation regarding the subject matter of an ordinance amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to *Zoning Code: On-Premise Signs*, amending regulations pertaining to dynamic signs (introduced May 28, 2010). Seconded.

Adopted 12/17/2010.

Absent - Schiff.

President Johnson resumed the Chair.

UNFINISHED BUSINESS

CONSIDERATION OF VETO BY THE MAYOR

Mayor R.T. Rybak returning with his veto of the report of the Committee of the Whole adopted by the Council 12/10/2010 relating to City Council appointments to the Metropolitan Sports Facilities Commission, and stating his objections thereto:

Comm of the Whole - Your Committee, having under consideration applications for three City Council appointments to the Metropolitan Sports Facilities Commission, for terms beginning January 4, 2011 through January 5, 2015, now recommends approval of the appointments of the following applicants:

- a) Timothy Baylor
- b) Paul Rexford Thatcher, Sr. (reappointment)
- c) Charles T. Lutz (reappointment).

Adopted 12/10/2010. Yeas, 12; Nays, 1 as follows:

Yeas - Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Johnson.

Nays - Gordon.

Vetoed 12/16/2010. R.T. Rybak, Mayor.

Attest: Casey Joe Carl, City Clerk.

Mayor Rybak addressed the City Council.

The question before the council being "Shall the report pass notwithstanding the objections of the Mayor?" there were -

Yeas, 11; Nays, 1 as follows:

Yeas - Reich, Hofstede, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Johnson.

Nays - Gordon.

Absent - Schiff.

The vote on the question being more than the two-thirds majority required by the charter to pass the report over the objections of the mayor, said veto was overridden 12/17/2010.

CITY OF MINNEAPOLIS CERTIFICATION

STATE OF MINNESOTA)

COUNTY OF HENNEPIN) ss

CITY OF MINNEAPOLIS)

I, Casey Joe Carl, City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that the foregoing report was passed by the City Council of said City at a regular meeting thereof, held December 10, 2010, and was returned by Mayor Rybak with his veto, stating his objections thereto, at a regular meeting held December 17, 2010.

I do further certify that, at the regular meeting of the City Council held December 17, 2010, said report was passed, notwithstanding the objections of the Mayor, by a vote of two-thirds of all the members of the City Council; the vote being:

Yeas, 11; Nays, 1 as follows:

Yeas - Reich, Hofstede, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Johnson.

Nays - Gordon.

Absent - Schiff.

Therefore, in accordance with the provisions of Chapter 3, Section 1, of the Charter of said City, said report has become and is valid, and I hereby certify that said report has the same force and effect as if approved by said Mayor.

IN WITNESS WHEREOF, I have hereunto signed and affixed the corporate seal of the City of Minneapolis, Minnesota, this 17th day of December, 2010.

Casey Joe Carl,
City Clerk

NEW BUSINESS

Tuthill gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code* (establishing standards for rooftop seating and dining), as follows:

- a) Amending Chapter 520 relating to *Introductory Provisions*;
- b) Amending Chapter 525 relating to *Administration and Enforcement*;
- c) Amending Chapter 536 relating to *Specific Development Standards*;
- d) Amending Chapter 537 relating to *Accessory Uses and Structures*;
- e) Amending Chapter 548 relating to *Commercial Districts*; &
- f) Amending Chapter 550 relating to *Industrial Districts*.

Glidden moved to accept the bid received on OP #7369 submitted by Minnesota Remodeling and Restoration Company, for an estimated annual expenditure of \$1,600,000, to furnish and deliver lead hazard reduction services, all in accordance with unit prices bid in response to the Official Publication for the Department of Regulatory Services and City specifications. Further, that the proper City officers be authorized to execute a contract for said service. Seconded.

Adopted 12/17/2010.

Absent - Schiff.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Kelly O'Rourke v. City of Minneapolis, et al.* lawsuit. Seconded.

Adopted upon a voice vote 12/17/2010.

Absent - Schiff.

Council Chamber

Room 315 City Hall

350 South 5th Street

Minneapolis, Minnesota

December 17, 2010 - 10:32 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present – Council Members Reich, Hofstede, Tuthill, Quincy, Glidden, Goodman, Hodges, Gordon, Colvin Roy, Samuels, President Johnson.

Absent - Council Members Schiff, Lilligren.

Peter Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Kelly O'Rourke v. City of Minneapolis, et al.* lawsuit.

At 10:33 a.m., Goodman moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Schiff, Lilligren, Colvin Roy, Samuels.

Present – Council Members Reich, Hofstede, Colvin Roy (in at 10:34 a.m.), Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels (in at 10:34 a.m.), Gordon, President Johnson.

Absent - Council Members Schiff, Lilligren.

Also Present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Tim Skarda, Assistant City Attorney; Scott Gerlicher, Deputy Chief of Police (in at 10:37 a.m.); Casey Joe Carl, City Clerk; and Irene Kasper, City Clerk's Office.

Skarda summarized the *Kelly O'Rourke v. City of Minneapolis, et al.* lawsuit from 10:33a.m. to 10:58 a.m.

At 10:58 a.m., Hodges moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Schiff, Lilligren.

Hofstede moved to settle the case of *Kelly O'Rourke v. City of Minneapolis*, Hennepin County District Court File No. 27-CV-09-21881, upon the following terms and conditions: payment in the amount of \$12,500.00 to League of Minnesota Cities Insurance Trust; and authorize the City Attorney to execute any documents necessary to effectuate the settlement payable from Fund/Org. 6900 150 1500 4000. Seconded.

Adopted 12/17/2010.

Absent - Schiff, Lilligren.

DECEMBER 17, 2010

Hodges moved to adjourn. Seconded.
Adopted upon a voice vote.
Absent - Schiff, Lilligren.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Casey Joe Carl,
City Clerk.

Unofficial Posting: 12/20/2010
Official Posting: 12/22/2010